

# EXHIBIT A

US DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

Paul R. F. Schumacher,  
*Plaintiff,*  
v.  
Capital Advance Solutions LLC  
Charles Betta  
Dan Logan,  
*Defendants.*

Case No.

COMPLAINT FOR A CIVIL CASE

I. Parties to This Complaint

A. The Plaintiff

Name: Paul R. F. Schumacher  
Address: 1512 Oakview St. Bryan, TX 77802  
Email Address: Paul.R.F.Schumacher@gmail.com

B. Defendants

Defendant No 1:  
Name: Capital Advance Solutions LLC  
Address: 1715 NJ-35, Middletown, NJ 07748  
Phone: (732) 865-805  
Defendant No 2:

1 Name: Charles Betta  
2 Title: President  
3 Address: 208 Marina Drive, Highlands, NJ 07732  
4 .  
5 Defendant No 3:  
6 Name: Dan Logan  
7 Title: CFO  
8 Address: via Company  
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11 **II. Basis for Jurisdiction**  
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13 47 USC 227 (b)3 and (c)5 establish a right of private actions for citizens who have  
14 received telemarketing calls in contravention of those sections. These actions simultaneously  
15 violated TX Code 304.252, and that cause is brought as a concomitant action. Plaintiff  
16 resides in this court's district, and the cause of action is a federal question. Therefore, per  
17 28 USC 1331, this court is the appropriate venue. The court has personal jurisdiction over  
18 the defendants as they conducted business (their telemarketing campaign) in this district  
19 and state, making them subject to both the state law and this court's jurisdiction on the  
20 federal question.  
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22 **III. Statment of Claims**  
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24 Paul R. F. Schumacher (Plaintiff) alleges the following facts of this case:

- 25 1. Plaintiff received a series of at least 10 telemarketing calls attempting to sell Plaintiff  
26 a business loan. (all times CST)  
27 15-Sep-15 9:46  
28 30-Nov-15 14:36

1 20-Jan-16 9:27  
2 8-Feb-16 12:27  
3 15-Feb-16 10:30  
4 8-Mar-16 11:54  
5 17-Mar-16 13:59  
6 18-Mar-16 9:44  
7 30-Mar-16 9:12  
8 5-Apr-16 11:16  
9  
10

11 2. Plaintiff is on the national do not call registry, and has no prior relationship with the  
12 defendants, thus the calls were in violation of 47 USC 227 (c) and implementing rules  
13 and regulations.  
14

15 3. The above is also a violation of TX Code 304.252.  
16

17 4. The calls were a pre-recorded message made to Plaintiff's cell phone, thus the calls  
18 were in violation of 47 USC 227 (b) and implementing rules and regulations.  
19

20 5. The proceeding three violations are all explicitly given private cause of action in their  
21 appropriate sections.  
22

23 6. The calls also violated other FCC, FTC, and Texas regulations, including spoofing  
24 their caller ID and failing to properly identify the business when asked or at the start  
25 of the call. The former constitutes a fraudulent and unlawful act in support, and  
26 the latter is an unlawful act in support of the primary causes of action, and plaintiff  
27 asserts harm from these unlawful acts taken to aid and abet the primary causes of  
28 action.

1 7. Via investigative technique, Plaintiff successfully identified that the calls were being  
2 made by or on the behalf of Capital Advance Solutions, LLC.

3  
4 8. Plaintiff asserts personal liability by the company president and CFO for creating  
5 and implementing a business strategy reliant on unlawful actions to their personal  
6 enrichment. Under the TCPA (47 USC 227), causing or directing calls to be made  
7 in violation of these laws and their implementing regulations incurs liability equal to  
8 actually making the calls.

9  
10 9. The BBB and various telemarketing complaint sites list many complaints about the  
11 practices by the defendants.

12  
13 10. When Plaintiff followed up with defendants and asked about their TCPA compliance,  
14 they mocked plaintiff for complaining and refused to take responsibility for their  
15 violations. Plaintiff alleges that this response in addition to the numerous other  
16 complaints over the years shows that defendants are well aware of their actions and  
17 are wilfully violating the law.

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19 **IV. Relief Sought**

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21 1. 227 USC (b) 3 specifies a claim for \$500 per call, triple for willful violations.

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23 2. 227 USC (c) 5 specifies a separate claim for \$500 per call, triple for willful violations.

24  
25 3. TX Code 304.252 specifies a claim for \$500 per call.

26 The above amounts come to \$3500 per call. The standard penalty for fraudulent actions  
27 taken to aid and abet unlawful behaviour is equal to the damages for the unlawful behavior  
28

1 itself, which comes to another \$3500 per call. At 9 calls being litigated, this results in \$63000  
2 in statutory and punitive damages.

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4 **V. Certification**

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6 Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of  
7 my knowledge, information, and belief that this complaint: (1) is not being presented for  
8 an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase  
9 the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for  
10 extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary  
11 support or, if specifically so identified, will likely have evidentiary support after a reasonable  
12 opportunity for further investigation or discovery; and (4) the complaint otherwise complies  
13 with the requirements of Rule 11.

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16 Dated: February 8, 2018

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19 Paul R. F. Schumacher  
20 Plaintiff (Pro Se)  
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